



DEPARTMENT OF THE ARMY
UNITED STATES ARMY GARRISON ANSBACH
UNIT 28614
APO AE 09177

AETV-WG-A

08 July 2004

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Noise Pollution, Policy Letter #13

1. REFERENCES.

- a. USAREUR Regulation 600-1, 30 Aug 90, Regulated Activities of members of the U.S. Forces, Civilian Component, and Family Members.
- b. USAREUR Regulation 27-9, 7 Apr 94, Misconduct by Civilians.
- c. Bayerisches Immissionsschutzgesetz, Article 13.

2. PURPOSE. To establish standards regarding noise pollution in the 235th Base Support Battalion area of responsibility.

3. APPLICABILITY. This policy applies to all persons subject to the Uniform Code of Military Justice (UCMJ) and Manual for Courts-Martial (MCM), as well as members of the civilian component and family members of military and civilian sponsors who are eligible to receive individual logistical support in USAREUR and who reside in or traverse through the 235th Base Support Battalion.

4. POLICY.

a. Noise pollution, as applied to this policy, refers to sound made by individuals, pets, radios, cassette/CD players, vehicles, or any other device that can produce excessive noise. Excessive noise, as described in UR 600-1, para 27b, is defined as a sound louder than that needed by an operator of normal hearing when referring to cassette/CD players, radios, TV's, etc. Additionally, any noise, regardless of how it is produced, that infringes on the rights of others to peace and quiet or violates the established quiet hours of the community is defined as excessive and will not be tolerated.

b. Loud sounds, and music, regardless of the source, can be disruptive and unpleasant. It is rude and discourteous, and it often constitutes an invasion of privacy. Loud music emitting from motor vehicles may be a safety hazard by preventing the vehicle operator from hearing sirens of emergency vehicles, the yells of children playing, the screams of adults warning of a hazardous situation, or the horns of other vehicles. Loud music on public roads or loud noises in public areas that disturbs others violates Bavarian law, reference 1c.

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c. Common courtesy is the rule of thumb in the 235th BSB area. Car stereos for example are for personal use and will not be used to entertain the surrounding public. Stereo/noise levels in quarters will be determined with the neighbor's well-being in mind. Music and noise levels will be greatly reduced to conform to local quiet hours so that the rest and quiet of others will not be disturbed. Quiet laws in the German community are generally from 2200 hrs to 0700 hrs, although local ordinances may be more stringent. Anything, which disturbs the night's rest of others during these hours, is forbidden.

d. Unit leaders, as well as building coordinators, are charged with maintaining the peace in their respective dwellings. Should their requests for a reasonable noise level go unheeded, the Military Police may be contacted. The Military Police will advise the individual that he/she is in violation of this policy and UR 600-1 is punitive in nature and military offenders may be subject to apprehension for violation of Article 92, UCMJ. Affiliated civilians to include family members are subject to adverse administrative action by Civilian Misconduct Action Authority (CMAA), which could include a bar from post, loss of government housing, or authorization of the person's advance return to the United States. Non-affiliated civilian offenders may be escorted off the installation and barred from reentry.

e. Military Police observing/hearing loud music emitting from vehicles on U.S. controlled areas will stop the vehicle and warn the operator or issue a DD Form 1408 (Armed Forces Traffic Ticket) citing a violation of this policy and UR 600-1. The ticket will be forwarded through command channels for action. Personnel who refuse to heed the warning of the Military Police, or cooperate with the issuance of a citation will be apprehended if military, or detained, if civilian, and formally charged with a violation of Article 92, UCMJ (Failure to Obey and Order /Regulation) or other charges as appropriate (i.e., Article 116, UCMJ (Breach of Peace), Article 134, UCMJ (Disorderly conduct), or UR 600-1 if a civilian with logistical support. Civilians may lose some or all of their logistical support privileges, to include loss of driving privileges, if determined appropriate by the CMAA under UR 27-9. Military offenders may have their driving privileges suspended by their commander or by the Commander, 235th Base Support Battalion, in addition to being disciplined under the UCMJ.

5. Point of contact for this policy is the Provost Marshal, 235th Base Support Battalion at DSN 468-1580/7643.

JOHN G. REILLY
LTC, SF
Commanding

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